

FREED BY THE JURY

The Two Williams' Are Let Off Easily.

(From Thursday's daily.)

Robert and Edgar Williams were acquitted by a jury yesterday of the charge of having robbed F. A. Ward's store of about \$2500 worth of jewelry. The alleged crime was committed last December and the two defendants were captured by the police after a sensational attempt at flight. Bob Williams was arrested the night the jewelry was carried off after a lively exchange of shots with Deputy Sheriff Chillingworth, and Edgar was captured the next day at Kailua in a canoe. After a long pursuit by the officers, the defendants in the case are negroes, and they bear no relationship to each other.

The attempt to rob was the result of a conspiracy which, it is claimed, would have been successful had not the police received information of the job beforehand, and been prepared to bag the burglars. The mysterious man who gave the tip away to Chillingworth is now said to be in Manila. At the trial, the fact was brought out that his name is O'Connell, and at the time he revealed the conspiracy he was under arrest on a charge of gross theft.

According to the testimony given yesterday he and these two defendants were to share alike in the proceeds, but when he was placed under arrest for another crime he refused to give evidence to help catch his alleged accomplices in the act. O'Connell was released to carry out his part of the job, and went to the store of Ward, with these defendants, unlocked the door, helped to carry out the trunk containing the jewelry, and placed them in a hack. About this time Chillingworth and a brace of officers appeared on the scene and attempted to gather in the whole outfit. The trunk was captured, but the burglars escaped, though Bob Williams was played and arrested the same evening. The trunk was opened at the police station by Ward, who had been notified of the contemplated robbery, and was found to contain rings, watches, chain and other jewelry, valued at about \$2500. The next day Edgar Williams was captured at Kailua.

At the trial yesterday the two negroes were charged with burglary in the first degree, and Thomas Finch and George Davis appeared in their behalf. The two men were alleged to have made admissions to Chillingworth at the time of their arrest, but Deputy Attorney General Douthitt was not allowed to bring this out, Judge Gear holding that admissions by one defendant when not in the presence of the other, could not be used as evidence. O'Connell, the principal witness for the prosecution had gone to Manila, and the Thomas about a month ago, having eluded the police, and there was little evidence to go to the jury. The court ruled also that if it was shown that the man O'Connell was the instigator of the crime, and that he had induced the defendants to go to the store, they could not be convicted.

The defense put on but one witness, Robert Williams, one of the defendants. He said that O'Connell had come to him December 30th, and said that he had a trunk he wished him to carry out, that together with Ed Williams, he went to the rear of Ward's store, and with the aid of O'Connell, to a trunk to the gate, where Ed helped to put it in the hack. That was the only connection either had had with the crime and he knew nothing, except that he had been promised good pay to help with the trunk. The arguments were very brief, defendants claiming that the conspiracy was on the part of the police, and that the real culprit, O'Connell, had been allowed to escape. The jury was out but half an hour before returning a verdict of not guilty. The following men composed the jury: Charles Spencer, Fred Gaudie, E. B. Blake, J. M. Homan, M. R. Houghtaling, W. R. Castle Jr., W. F. Jones, E. T. Tannatt, James Merseberg, H. E. Garces, D. B. Renear and W. Duesenberg.

MCCARTHY RELEASED.

Crimp McCarthy, who was found guilty by a jury of attempt at mayhem, was released on a technicality by Judge Gear yesterday, and will escape punishment for the little pleasantry he engaged in, in chewing Katie Akai's ear. The information charged the defendant with assault by biting the ear of the prosecuting witnesses, which it further alleged constituted the crime of mayhem. Davis and Bittling, for the defendant, moved to have the verdict set aside on the ground that the statutes contained no such crime as mayhem. It appears that the penal laws contain in the index a reference to the section on "Mayhem," but the section itself merely sets out the form of the crime (which was set out in the indictment), but makes no further reference to its being mayhem. The addition to the indictment of the word "mayhem," Mr. Douthitt contended, was mere surplusage, and the nature of the crime had been fully set out in the language of the statute. Davis, however, thought differently, and Gear sustained his view, holding that mayhem was a crime unknown to the Hawaiian statutes, and the prisoner was consequently set free. Mr. Douthitt stated that Judge Humphreys had sentenced several men to prison for the crime of mayhem, but Davis said that had nothing to do with a case before Gear.

WILL HEAR CRIMINAL CASES.

Judge Robinson will hear criminal cases today. A third court room has been fitted up in the clerk's office, and Judge Robinson will hold court there.

COURT NOTES.

Discontinuances have been filed in

the following cases: Lee Yee Yee vs. Kwong Moon Sing, Tong Han Low vs. Kwong Moon Sing, and Kwong Moon Sing vs. Kwong Moon Sing.

C. W. Macfarlane has returned from his appointment as assistant of Simon Macfarlane.

The government closed its proceedings in the Honolulu Plantation Company case yesterday afternoon, and if the defendant is an opposition, the trial will not last much beyond the end of the present week. If the store does not continue over today, the visit of the jury to Pearl Harbor will be made Friday.

Assistant United States Attorney Dunne introduced several witnesses yesterday who were not heard on the first trial. They were L. L. and J. A. McCandless. The affidavit of the latter, it will be remembered, was used in the motion for a new trial, as part of the newly discovered evidence. The testimony of these two witnesses furnished considerable spice to enliven the proceedings yesterday, though the usual fights between the attorneys and the court were in no way abated. Tax Assessor Archer was the first witness of the morning, but he added little additional information to his evidence given at the first trial. On direct examination he said the land was worth \$100,000 in the whole tract, condemned by the government, and when, upon cross-examination, he placed the total value at \$100,000, considerable surprise was manifested. The witness said he believed this to be the leasehold value, taking into consideration the fact that a water supply was available, and a mill stood upon a part of the plantation.

Surveyor Thrum, who is now in the employ of the government, testified to measurements he had made of the land in question.

L. L. McCandless was the last witness of the morning. He testified that the lease of the sugar land in his opinion was worth about forty dollars per acre, and that he had leased land to the Honolulu Plantation Company in that vicinity for about the same figure. On cross-examination he admitted that he was not on good terms with Manager Low of the Honolulu Plantation, though they spoke to each other, but no more. He wanted to go ahead and give his reasons for it, but on objection of Mr. Sullivan, was not allowed to enter into that phase of the question.

J. A. McCandless was the last witness for the government. He testified that the land was worth from fifteen to twenty dollars per acre. On cross-examination, Mr. Sullivan asked if the land wasn't the same or a part of the land on Fort Island leased by the Oahu Sugar Company, of which the witness is a director. Mr. McCandless replied that it was, and then Judge Sullivan wanted to know if the Oahu Sugar Company hadn't claimed \$200,000 from the government for 142 acres of this land. Mr. Dunne objected, on the ground that that suit had been compromised, but Judge Estee overruled the objection, and the witness replied in the affirmative. The next question of the defendant as to his knowledge of the quality of the soil led to all sorts of trouble.

The witness started to reply by telling about the well he had bored on the premises and continued, in spite of the objections, which the court overruled. Mr. McCandless said that in 1888 he had drilled a well for a Chinese man, who wanted to cultivate rice. The experiment was a failure commercially, however, and rice growing was abandoned, and he hadn't been paid for the well. The next man that got hold of the land tried to grow bananas, taro and vegetables upon it, but this also proved a failure, and then Henry McFarlane took the land and paid for the well, but also made a failure in his attempt to use the land for cultivation. Mr. McCandless said the soil was of a dark brown and reddish color, though he couldn't tell how much there was of each.

"Are you on good terms with Mr. Low, the defendant in this case?" asked Judge Sullivan in conclusion.

"Just on speaking terms," was the answer.

"Just on speaking terms, you say?"

"Well, I haven't any use for Mr. Low, but Mr. Low is not the Honolulu Sugar Company."

Witness denied saying in conversation in San Francisco that he would do all he could to injure the plantation of defendant. He admitted that he had not received any well drilling business from the Honolulu Plantation Company.

This closed the case for the United States and Mr. Low was put on the stand for the defendant. He began by relating his experience and qualifications as a sugar expert, and related also the scope of the defendant company and its plantation. He had not concluded when the court adjourned for the day. Mr. C. Bolte was also a witness during the afternoon, interrupting Manager Low for the purpose. He fixed the value of the leasehold interest at \$350,000.

TILTING WORK NOW FINISHED

The transport Warren last night resembled a combination of a junk shop and a sand battery, and she is today perhaps the most extraordinary looking craft that ever brought up alongside of a Honolulu wharf.

Early yesterday morning the work of dumping pig iron forward was on, and instead, a shift of boys in blue started to pile bags of coal on the forecastle deck. By 5 o'clock in the afternoon 110 tons of coal had been stacked up, and at midnight the amount of black stuff forward totaled 150 tons, stowed away in 3,000 bags. This gave the Warren the look of an old Missouri river steamer in war time, pressed into service and equipped with a sand battery.

A lot of scrap iron from the Honolulu Iron Works was also deposited forward. It was a choice collection of heavy rubbish and embraced pretty nearly everything in hardware from an iron boiler to a crowbar.

There is now about 850 tons of stuff piled forward, made up as follows: 150 tons of coal, 400 tons pig iron, 150 tons ship's ballast, 100 tons scrap iron and a water tank weighing 50 tons.

Last night the transport's stern registered about twelve feet of water, and

KONA CREDITORS MAY SAVE THE PLANTATION

Creditors of the Kona Sugar Company are moving with rapidity to save the plantation from impending ruin. Meetings were held yesterday and another will take place this morning, which may result in the complete turning over of the affairs of the plantation to another factor than a receiver appointed by the courts, and thus secure the crops now coming on for the benefit of the stockholders.

The committee appointed by the creditors yesterday afternoon will wait upon the steamship company this morning and try to make an arrangement by which the Mauna Loa will not be dispatched for Kona ports until the stockholders and creditors have reached a final conclusion in the matter. To add to the feeling of confidence which has lately been expressed by those interested in the matter, H. F. Dillingham yesterday took up the matter of the Kona company and saw a number of men in the city, whose relations with business affairs are such that they feel a great interest in financial stability, and asked them to help in the salvation of the property.

The activity of the creditors of the company was due to the fact that it became known early in the day that the receiver had signified his intention to write to the manager of the plantation, directing that all the laborers be discharged and the force of A. K. Lewis be reduced to a number sufficient only to guard the movable property of the corporation. This letter, it is alleged was mentioned to several of those interested in the plantation, and they at once urged that it be not sent, but there was no decision communicated to them other than the original one. The fact that this is regarded as the very worst thing that could happen to the estate caused the creditors to get together and thus make an endeavor to secure backing sufficient to carry the plantation through.

The meeting of the creditors of the plantation was held in the offices of Kinney, Ballou and McClanahan, and there were present representatives of the bondholders, the Kaploani estate and some of the stockholders of the corporation. The discussion was along the line of keeping the estate going, so that there might be no deterioration in values growing out of discharge and disintegration of the force of laborers. It was stated at the meeting that if the receiver should discharge the men it would mean that they would disappear among the other plantations, and the expense of rehabilitating the plantation in the matter of labor would reach \$50,000. There was a long talk over the affairs which have led to the decision of the receiver to sell, and the decision was unanimous that if the laborers were discharged the plantation would not bring more than a very small sum at a forced sale. After this decision the determination to ask a committee to call upon the steamship people and endeavor to secure time for the bringing together of the creditors, so that there may not be this danger of heavy loss, was reached.

The basis upon which the creditors have moved so far is that there should be an assignment made, the present suit being withdrawn, and the affairs of the plantation placed in the hands of S. M. Damon, of Bishop & Company, as assignees. This was the common gossip of the street during the afternoon, and many of the creditors seem to believe that this could be effected. It was rumored, also, that the Kaploani estate stood ready to act in the event of an attempted pressure upon the part of the officer of the court to sell the estate without doing any more to save some of the growing crop for the benefit of the plantation stockholders.

The estate owns some 400 acres of the lands embraced in the plantation, and the lease which has been entered into by the estate gives it certain powers, which are said to be sufficient to cause trouble in the event of an attempted sale. The contract contains a clause which sets forth the reservation of the lessors, that the lessee may not transfer.

The bolts of the broken propeller blade were level with the water. The vessel's bow has gone down about seven feet since tilting operations commenced. In order to further transfer weight from the transport aft, all boats have been lowered to the wharf, as has the ship's launch, which weighs about six tons.

Yesterday afternoon work on the broken blade commenced, and the cement was knocked from the hub and ten small nuts taken off. The work of unloosening the large nuts will be undertaken this morning. A force of men was working all last night. The ship's officers are sanguine that another ten days will see them on their way to Manila.

The broken blade snapped off about eighteen inches from the hub, and it is difficult to account for the accident. The fact that one of the other blades is somewhat bent toward the end lends color to the theory that the propeller struck some heavy submerged object the contact with which snapped off a blade.

The work, so far, of tilting the ship, has progressed very rapidly, for, beside the 550 tons of iron and coal carried forward, at least 500 tons of cargo has been unloaded and left on the dock.

There will be no reception and dance on board the Warren tonight as originally planned, on account of the condition of the weather and the ship. Instead, the officers have issued invitations for a reception and dance to be given in Progress Hall, this evening.

The Rock Island Railroad is likely to be extended to San Diego, Cal. General Botha is reported to have offered to surrender to Lord Milner.

General Alban, civil and military chief of Panama, was killed in battle. Pope Leo entered the twenty-fifth year of his pontificate on February 29. Cardinal Ledochowski, prefect of the propaganda at Rome, is said to have resigned.

for the lands is another without any consent of the owners. Under this clause it is said there could be a veto put upon any transfer of the title to the lands which comprise a large part of the best lands of the plantation, and it is further alleged that the attorneys of the Kaploani estate have been ready for some time to inaugurate proceedings to stop any sale which might be made to include these lands.

H. F. Dillingham, when he heard of the lengths to which the receivership had gone, at once went out to see what could be done. He said that his firm had all the business he wished to undertake at this time, but he gave his energies to an endeavor to interest some of the money men of the city in the plantation. Mr. Dillingham said that he would never do to permit the impression to gain currency in San Francisco that local sugar properties were in any way a speculation. The men there who had taken up the plantation issues believed in them, but their confidence might be shattered if they became convinced that there was any lack of stability or any intent on the part of courts to take summary steps in such proceedings. He made the offer to some of the men interested that he would be one of the twenty to subscribe to the \$200,000 fund needed to carry on the work of the plantation and would endeavor in every way to work for the success of the estate.

Mr. S. M. Damon had not looked into this feature fully, owing to the presence of friends on the Ventura, and would not discuss the plan. Speaking generally he thought complete control of the affairs of the estate must pass into the hands of some one before its working could be hoped to be made successful. In the event of an assignment a minority stockholder might make trouble for the assignee. The only way, in his opinion, was to have the plantation put so that there might be no changes in the administration, that the man sending in his money could depend upon the control of his investment.

Mr. J. M. McChesney said after the meeting of the creditors that he was at a loss to understand the moves of the receiver, as there could be no doubt of the deterioration of the plantation once it lost its laborers. He said there was a plenty of provisions to be had upon receiver's certificates, and he thought the receiver might very well have tried further before he went to the extreme of disintegrating the force of laborers, to recover which would cost any successor to the present corporation a large sum.

Among the heavy stockholders of the plantation is a Mr. Scott, of Kona, who is in close touch with the estate. He has said frequently since coming up last week, that he thought the planters of the cane would be satisfied with low prices right along, and that in his opinion the expenditure of \$2500 a week would mean the harvesting of the crop of the plantation. He said further that the contracts for the growing of cane in the event of any one taking over the proposition could readily be changed to suit, and there might be change to meet the views of the agent.

Should the plantation fail to recover there would be heavy losses out of the investment of something like \$800,000, and some of these would fall where it would be a great hardship, too. One widow has her all invested, and it reaches into the five-figure size, while there are a number of men who have lost their reputations, and the coming of any troubles will break them. There are said to be many storekeepers who have carried the Kona warrants, and who would not be able to weather the storm of depression which would follow a serious collapse in the stock.

The meeting of creditors this morning will show what may be expected, and if there is any chance it will be grasped.

Judge Humphreys made the following order yesterday in the Kona Sugar Company case:

It is hereby ordered that the parties at interest herein be and they are hereby directed to appear before me on Friday, the 7th day of March, A. D. 1902, at 10 o'clock a. m., and show cause why this cause should not be down for hearing on bill, answer and such testimony as may be properly adduced.

A. S. HUMPHREYS, First Judge.

HONOLULU JOINS.

In Paying Tribute to Doan's Backache Kidney Pills.

A young man went to a wealthy and successful manufacturer and applied for employment.

"What can you do?" the manufacturer asked, and the young man proceeded to tell of his ability.

"But I don't want to know what you say you can do," the gentleman replied, "let me know what others say you have done; bring me recommendations from people I know and can trust."

It's the same way with the little conqueror and the public; people want to know what has been done. Honolulu people are joining the myriads of others in making public the work of this little modern wonder and what your neighbors say should convince the skeptic. The endorsement of citizens is the proof that goes with every box of Doan's Backache Kidney Pills.

Mr. W. F. Williams of this city, is a light-house keeper, and he has held this position for the last 30 years. He says: "I was for a number of years, one of that numerous army of people who suffer with their backs. Mine ached and pained me to no small extent, so that I was glad when I heard of a remedy for it, Doan's Backache Kidney Pills. I obtained some of these at the Hollister Drug Co.'s store, and took them. They gave me great relief, and I make this short narrative of my experiences for the benefit of others who perhaps do not know that nearly all backache arises from the kidneys, and the best medicine for it is Doan's Backache Kidney Pills."

Doan's Backache Kidney Pills are 50 cents per box, for sale by all druggists.

THE CATLE WERE LOST

Molokai Still a Source of Trouble.

(From Thursday's daily.)

The regular monthly meeting of the Board of Health yesterday was attended by all members but Wm. Aulo. The island wash houses and the usual trouble with palat formed the principal topics of discussion, and the meeting was quite brief.

MORE TROUBLE WITH KALUA.
Supt. Reynolds reported that Judge Kalua had shipped another lot of palat without orders, and it was liable to spoil on their hands, unless it could be forwarded to the settlement immediately. Mr. Reynolds stated that he had notified Mr. Kalua that he would not be paid for the shipment, and warned him not to send any more palat except on the express order of the Board of Health. The board decided that in case the palat was damaged no allowance would be made for it, and the secretary was instructed to send Judge Kalua a letter notifying him to obey instructions implicitly, as the Board of Health would not be responsible for any acts done without its order.

CATTLE WERE LOST.

The Wilder Steamship Company reported the loss of four cattle on the Helene, which were billed for the leper settlement. The captain stated that the Helene arrived at Waikolu with 25 cattle and endeavored to land them, but was prevented because of the northerly gale. Two boat loads of 22 got a footing on the beach, but one of the cattle was killed in the surf and another swam out to sea. Two cattle landed on a rock, and it may be necessary to shoot them. Finding it impossible to land, the remainder of the cattle were brought to Honolulu and placed in the cattle pen, one dying en route. The Board of Health took no action on the matter, Supt. Reynolds having already sold the cattle.

BOYD WANTS TO HELP.

A letter was read from Supt. Boyd of the Department of Public Works enclosing the report of Engineer Gere upon the Iwilei wash houses. Mr. Boyd stated that he had delayed answering until all plans had been prepared for making the necessary improvements, and the work would be done immediately. He said further that he would do all in his power to assist the board in improving the sanitary condition of the town, but that because of the condition of the Territorial treasury he could not do as he wished in the matter. He expressed a desire to work in harmony with the Board of Health wherever possible. An opinion was asked also as to the advisability of removing the garbage dump from Iwilei, but upon the report of Executive Officer Pratt, that the garbage was being burned, it was decided not to insist upon a change of location at this time.

The committee appointed to investigate conditions at the public wash houses was not ready to report, and further time was given.

FISH MARKET AT HILO.

Sanitary Inspector Bowen of Hilo reported that he had received an application for the establishment of wholesale fish market at Waikaka, and thought that it was advisable to allow the desired permission, as the Hilo market could not accommodate everyone. There was some question, however, as to the ability of the fish inspector to take care of more than one market, and also as to the law in regard to the matter. It was decided to write to C. C. Smith and get an expression of opinion as to the desirability of another market in Hilo.

OTHER MATTERS.

The Hilo inspector asked also that he be given the power to grant building licenses, but the board has no such authority, and nothing was done in the matter.

W. L. McConkey, government physician at Makawao, Maui, reported that he intended to take a month's vacation and asked that C. A. Peterson be appointed during his absence. This recommendation was followed by the board.

A communication was received from Treasurer Wright, enclosing a letter from "Prof." Sterling, who wanted a license to practice palmistry in the Territory, and inquired what the rules and regulations here were. He said he was conducting a successful school at Stockton, Cal., and thought he might astonish the Hawaiian natives, though he insisted in his letter that he wasn't a "fortune teller." President Sloggett said he knew of no regulations which gave the board permission to license such "practitioners," and the matter was referred back to Treasurer Wright, who will have to settle his own troubles.

gists; sent by mail on receipt of price by the Hollister Drug Co., Honolulu wholesale agents for the Hawaiian Islands.

HOW TO PREVENT PNEUMONIA.

You have good reason to fear an attack of pneumonia, when you have a severe cold, accompanied by pains in the chest, or in the back between the shoulders. Get a bottle of Chamberlain's Cough Remedy and use it as directed, and it will prevent the threatened attack. Among the tens of thousands who have used this remedy for colds and in gripe, we have yet to learn of a single case that has resulted in pneumonia, which shows that this remedy is a certain preventive of that dangerous disease. For sale by all druggists and dealers. Benson, Smith & Co., Ltd., agents for H. I.

Toistol is now out of danger.

GOOD WORK

Ever heard of the man who sold his horse because it was growing thin? After awhile he saw a fine looking horse he wanted to buy. It was his own old horse grown fat. The new owner had found the right medicine.

Scott's Emulsion does that kind of work with sickly children. Sometimes it changes a child's whole nature so much one would scarcely know the child. Scott's Emulsion starts the small ones to growing like weeds. The scrawny ones get hearty and fat. Color begins to show in the pale face.

Scott's Emulsion does this good work without hurting the little stomachs. No extra burden. All help.

We'll send you a little to try, if you like. SCOTT & BOWNE, 109 West Street, New York.

The best at the lowest price at Hopp's.

If You Do Not Know

The real value of Furniture, you can safely put yourself in our hands, and we will make your money go the farthest. Take, for instance,

Enameled Iron Beds

They are now being sold by us at a price that positively cannot be beat in town, no matter where, and our stock is in greater variety than any other.

For your hardwood and polished floors we have

Axminster, Wilton

AND

Smymna Rugs

Our stock of these goods was never in greater variety.

The sale of our handsome

Dining Room Tables

has been very large, owing to the excellence of the goods, and the extremely low prices at which they are offered.

Our

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should not be overlooked. We do the best work at the lowest price.

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For a case of the delicious and refreshing product of the California Grape Fruit. Ask for

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You need it to tone up your system.

30c the Dozen.

Delivered free to any address in the city.

Telephone Main 71.

Consolidated Soda Works Company, Ltd.

A meeting of the stockholders of Halstead & Co., the stock and bond brokers, was held yesterday, and the following officers elected for the ensuing year: Willard E. Brown, president; Frank Halstead, vice president and auditor; William A. Love, secretary and treasurer. The above officers, together with W. L. Hopper and F. J. Lowrey, constitute the board of directors.